



MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
WEDNESDAY, JULY 26, 2006, 7:00 PM
EDINA CITY HALL COUNCIL CHAMBERS
4801 WEST 50TH STREET

MEMBERS PRESENT:

Acting Chair Geof Workinger, Kevin Staunton, Mike Fischer, Floyd Grabiell, Nancy Scherer and Basima Tewfik

MEMBERS ABSENT:

John Lonsbury, Stephen Brown, Scott Thiss and Michael Schroeder

STAFF PRESENT:

Dan Cornejo and Jackie Hoogenakker

II. NEW BUSINESS:

**P-06-5 Final Development Plan
 Rink Properties
 7300 Bush Lake Road**

Request: Construction of rigid membrane structure

Mr. Cornejo informed the Commission on February 21, 2006, the City Council granted final approval for the Final Development Plan for Rink Properties to allow the existing Northwest Tennis Club site to be remodeled and converted for use as two hockey rinks and the required support facilities. Continuing, Mr. Cornejo said on April 6, 2006, the Zoning Board granted variances to allow spectator seating and to allow a temporary air-supported fabric dome structure to house a third ice rink.

Mr. Cornejo explained at this time due to conflict with building code the temporary air-supported fabric dome did not meet building requirements. At this time the proponents are requesting approval of a permanent building with a similar fabric membrane, but with a rigid steel frame, that meets the building code requirements. Continuing, Mr. Cornejo said the proposed rigid frame structure is designed to be a permanent building and poses no additional planning-related concerns. The building will also be sprinkled.

Mr. Cornejo concluded staff recommends approval of the application with the condition that the plans be revised to provide for the construction of the fire lane (south of the proposed structure) with a pervious paving system approved by the City Engineer.

Mr. Dennis Batty and Mr. Malarkey were present representing the property owners.

Commissioner Staunton commented that he is wrestling with the purpose behind the variance to allow a permanent “temporary” fabric dome structure, and if approved would a precedent be set.

Mr. Cornejo responded by law variances are not precedent setting. Each property is unique and each proposal should be reviewed on its individual merits. Mr. Cornejo said in this instance a Final Development Plan including variance is requested. The variance requested is from the required exterior building material standards for the Planned Industrial District. Mr. Cornejo noted this type of material is often used on athletic or recreational structures. In the PID zoning district recreational facilities are a permitted land use so it may not be unrealistic to see requests for this type of “structure” considering the land use is permitted.

Commissioner Staunton acknowledged the land use is permitted, but the materials used on the exterior of the structure are not. Mr. Cornejo said he agrees with that statement and reiterated this type of building and exterior building materials is repeatedly used in athletic and/or recreational structures, garden facilities, including Edina (City Golf Dome).

Chair Workinger questioned why this “structure” is now considered permanent and not temporary. Mr. Cornejo responded the proposed membrane structure will be “up” over 6 months and any structure “up” that long is required by Code to be sprinkled and is considered permanent. Continuing, Mr. Cornejo explained this type of structure has a rather “long life” and can be left up for years. The previous tennis dome structure on the site (formally Northwest Tennis) was considered temporary because it was inflated and deflated each year, and wasn’t sprinkled.

Mr. Batty addressed the Commission and stated the journey through this process has been very interesting and at times unexpected. Mr. Batty said to comply with building and fire codes changes needed to be implemented to the membrane structure to meet code. Continuing, Mr. Batty told the Commission this type of fabric structure is a popular and rather common choice as a sporting facility (tennis, hockey, soccer). Mr. Batty suggested that the exterior building materials used on this type of structure be allowed in the PID zoning district, especially since the land use is a permitted use.

Commissioner Staunton asked Mr. Batty if the steel frame of the proposed structure was needed to support the sprinklers. Mr. Batty responded in the affirmative. Commissioner Staunton commented it would appear this type of structure is more economical than the traditional permanent structure. Mr. Batty acknowledged that observation is correct.

Chair Workinger asked if the property owners have given any indication on how long they believe this permanent "temporary" structure will be "up" before it is replaced with a "permanent permanent" structure. Mr. Malarkey responded the property owners believe this structure will remain between five and seven years. Chair Workinger questioned why a permanent structure isn't constructed immediately. Mr. Batty responded in reality it is the cost of a permanent structure vs. the cost of a "temporary permanent" structure. Chair Workinger asked Mr. Batty when the time comes for the permanent structure to be constructed would the exterior materials match the existing structure. Mr. Batty responded in the affirmative.

Chair Workinger asked Mr. Batty if the property owners have any concerns about vandalism. He said the fabric like material may be an easy target for vandals. Mr. Batty responded this type of fabric is very strong and is a cut resistant "rip stop" material. Mr. Batty said the property owners have also been discussing the possibility of a fence around the dome.

Commissioner Grabiell referred to minutes from the Zoning Board meeting and asked Mr. Batty to respond to the Board's concern that this project keeps appearing before the Commission, Zoning Board and Council. Continuing, Commissioner Grabiell also asked if they believe this is the last time they will appear before the Commission/Council. Mr. Batty responded if the property owners had to do it all over again they would have come in with a complete project. Continuing, Mr. Malarkey said timing was the issue. Initially the property owners wanted this project placed on the fast track so the facility could be used immediately during the current hockey season. After the hockey season was over they would request the spectator seating etc. Mr. Batty commented hockey has windows, reiterating if they knew what they know now about the process they would have come in with a complete package. Concluding, Mr. Batty stated to the best of his knowledge this is their last request.

Commissioner Fischer acknowledged at the Zoning Board meeting he did give the proponents a tough time; however, he truly believes their repeated visits were not intentional.

Commissioner Fischer moved to recommend Final Development Plan Approval. Commissioner Grabiell seconded the motion. Chair Workinger asked for discussion.

Commissioner Staunton said at this point he is confused about the variances and the process thus far. He asked if this proposal includes a variance request.

Mr. Cornejo responded the first request and action was for Final Development Plan approval (February 2006) and the second request and action was the Zoning Board (April 2006) granting variances to allow spectator seating, a setback variance for dome height and an exterior materials variance to allow a Teflon coated dome facility. Continuing, Mr. Cornejo said both dome structures (previously approved and proposed) are the same height, are air supported with rigid frame construction, however, City Code measures height at the roof line differently. The previously approved dome required a 16-foot setback variance which the Board approved. The application this evening is for a rigid frame membrane gable structure which meets setback and doesn't require a setback variance. Concluding, Mr. Cornejo said what is before the Commission this evening is in reality a repetition of the variance previously granted, noting the previous dome and proposed dome are different and this change required a Final Development Plan. Commissioner Staunton clarified the variance before the Commission this evening is only a repetition of the variance granted for exterior building materials. Mr. Cornejo responded in the affirmative.

Commissioner Staunton stated he still struggles with the hardship test. Commissioner Staunton said hearing that it is too expensive to build a structure that meets current code requirements is a struggle to support and meet the "hardship" definition. Concluding Commissioner Staunton commented in his opinion it appears the hardship is monetary.

Commissioner Fischer said as he understands it the proponents found out late in the game that the originally approved dome structure (approved by Zoning Board) didn't meet the Uniform Building Code which resulted in redesign and the subsequent additional hearing.

Mr. Cornejo said the whole area of variances is complicated, adding when he reviewed this request he felt an undue hardship was not created by the applicant and the request was in keeping with the spirit and intent of the Code. Continuing, Mr. Cornejo said City Code requires that buildings in the Planned Industrial District be constructed of durable materials. This requirement ensures that structures "fit" with each other and their neighbors. Mr. Cornejo explained at the staff level staff also looks at the spirit and intent of the Code. Mr. Cornejo stated that obviously this is a monetary issue; however, just as obvious is that this is a new venture in an existing renovated building, and to make this venture successful a third ice sheet was needed. Mr. Cornejo said if the venture is successful a money stream would flow and the permanent "temporary" building would be replaced by a permanent building, adding this could be viewed as an evolution of their business. Concluding Mr. Cornejo said he was comfortable supporting this request. He said in his opinion the request before the

Commission meets the spirit and intent of the Code. The proposed rigid membrane structure is located at the end of a dead-end cul de sac, abutting Rail Road tracks, is surrounded by other industrial uses (Gabberts, Filmtect) and has minimal if any impact on residential properties and public streets. Mr. Cornejo added if a similar proposal would come before the City and if the conditions were exactly the same it is possible staff could support another venture of this type; however, if this facility were proposed along a heavily trafficked street or abutted residential properties that would be an entirely different scenario.

Commissioner Staunton commented that clarification helps. Commissioner Staunton said his initial concern was that someone else could come in and request a Final Development Plan with variance for a similar type of structure because they "didn't want to sink a lot of money into the project". Continuing, Commissioner Staunton said he wanted to ensure that the process is "buttoned up"; adding the explanation by Mr. Cornejo on his reasons to support the proposal make sense. The rationale that this proposal is located at the dead-end of a cul de sac, is located along RR tracks, is surrounded by other industrial uses and not visible by residential neighbors makes a good case for support.

Commissioner Grabiell thanked Mr. Cornejo for his guidance and commented he agrees with statements from Commissioner Staunton and is confident that the Commission and Council will hear any "new ventures" and will act on each proposal on its own merits.

Commissioner Fischer said he considered the testimony and the discussion this evening regarding the Final Development Plan request of Rink Properties including the rationale for granting the variance, and therefore moved to recommend Final Development Plan approval including variance based on the following findings:

- the subject site is located in an area of minimal visibility at the end of a cul de sac and is surrounded by properties zoned industrial;
- the impact on residential properties is minimal;
- the property owners have invested significantly in the site to include permanent additions to the existing building, and this new "temporary" permanent structure.
- acknowledging this type of "temporary" fabric structure is consistently used in athletic facilities, and the use of the land as an athletic facility is permitted in the PID zoning district.

Approval is conditioned on:

1. Revised plans to be submitted that provide for the construction of the fire lane (south of the proposed structure) with a pervious paving system approved by the City Engineer.

2. If more than fifty percent (50%) of the square footage of the building is ever demolished or destroyed, or the building materials is removed, this variance lapses.

Commissioner Grabiell seconded the motion. Ayes; Scherer, Staunton, Fischer, Grabiell and Workinger. Motion carried, 5-0.

III. INTERGOVERNMENTAL BUSINESS:

Comprehensive Plan Update

Mr. Cornejo informed the Commission at this time planning staff is reviewing the current Comprehensive Plan in its entirety. Mr. Cornejo said certain sections of the plan need to be readdressed, one being the sewer capacity section. Mr. Cornejo pointed out since Edina is almost 100 percent developed close attention must be paid to the sanitary sewer system. Another item not highlighted in the current plan is a Natural Resource element, adding that is something staff is considering incorporating into the Comp Plan.

Mr. Cornejo reported currently City staff has issued a Request for Proposals (RFP) to hire a consultant to coordinate the Comp Plan. After the RFP deadline the City will interview candidates, hopefully to make a final decision on the candidates sometime mid to late August. Continuing, Mr. Cornejo stated at this time the City has set a goal of January 2008 for completion of the final draft.

Mr. Cornejo told the Commission Jennifer Bennerotte, City Communications Director is also active in the revision of the Comp Plan and is looking into creating an interactive web site featuring the Comp Plan. Mr. Cornejo added the City is also "toying" with creating a more user friendly smaller version of the Comp Plan maybe in the form of an executive summary. Concluding, Mr. Cornejo said City staff continues to formulate the direction of the Com Plan and will keep the Commission apprised of our progress.

IV. ADJOURNMENT:

The meeting was adjourned at 8:45 PM

Submitted by